

Part IV

Sample Orders

40. Sample Orders 727

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40. Sample Orders

- .1 Order Setting Initial Conference 730
- .2 Sample Case-Management Orders 734
 - .21 General 734
 - .22 Responsibilities of Designated Counsel 741
 - .23 Attorneys' Time and Expense Records 743
 - .24 Scheduling Order 744
 - .25 Preservation of Documents, Data, and Tangible Things 746
 - .26 Document Depositories 749
 - .261 Order to Meet and Confer to Establish Joint Document Depository 749
 - .262 Order to Establish Separate Document Depositories 751
 - .27 Confidentiality Order 752
 - .28 Referral of Privilege Claims to Special Master 754
 - .29 Deposition Guidelines 756
- .3 Order Creating a Web Site 762
- .4 Class Actions Orders 763
 - .41 Order Certifying Class 763
 - .42 Order Setting Hearing on Proposed Class Settlement 765
 - .43 Combined Certification and Proposed Settlement Order 766
 - .44 Order Approving Settlement/Claims Procedure 768
- .5 Orders in Special Cases 770
 - .51 Coordinating Proceedings in Different Courts 770
 - .52 Mass Tort Case-Management Order 773
 - .53 CERCLA Case-Management Order 779
 - .54 Civil RICO Case-Statement Order 783
- .6 Sample Final Pretrial Orders 786
- .7 Jury Questionnaire 786

Complex litigation generally has its own unique demands, and it calls for counsel and the court to adapt any proposed order to those complexities. The orders and forms that follow represent only a starting point for the court to consider in structuring its approach to managing a particular set of complex cases. Judges generally expect that experienced counsel will propose forms that will deal with the unique features of the litigation at hand.

Although the orders presented below generally are composites of several orders or revisions of a single order, we have not attempted to document the origin of each provision of each order or the authority to issue such orders. While judges have used variations and portions of these orders to manage complex litigation, the authority to issue such orders may or may not have been tested.

Additional sample orders and forms may be found in the United States Judicial Conference's *Civil Litigation Management Manual* (2001) (available from the Federal Judicial Center), in the *Federal Rules of Civil Procedure Appendix of Forms*, and on various Internet sites created for specific complex cases or MDL proceedings, some of which are listed below:

- In re* BankAmerica Corp. Securities Litigation, MDL No. 1264 (E.D. Mo.), at <http://www.bankofamericasettlement.com/> (last visited Nov. 10, 2003)
- In re* Baycol Products Litigation, MDL No. 1431 (D. Minn.), at http://www.mnd.uscourts.gov/Baycol_Mdl/ (last visited Nov. 10, 2003)
- In re* Bridgestone/Firestone Tires, Inc., Products Liability Litigation, MDL No. 1373 (S.D. Ind.), at <http://www.insd.uscourts.gov/Firestone/default.htm> (last visited Nov. 10, 2003)
- In re* Diet Drugs Products Liability Litigation, MDL No. 1421 (E.D. Pa.), at <http://www.fenphen.verilaw.com/> (last visited Nov. 10, 2003)
- In re* Holocaust Victim Assets Litigation, No. CV 96-4849 (E.D.N.Y.), at http://www.nyed.uscourts.gov/Decisions_of_Interest/DOI_Archive/doi_archive.html (decisions of interest archive, years 2000–2003) (last visited Nov. 10, 2003)
- In re* Holocaust Victim Assets Litigation, at <http://www.swissbankclaims.com/index.asp> (official settlement Web site) (last visited Nov. 10, 2003)
- In re* Inter-Op Hip Prosthesis Liability Litigation, MDL No. 1401 (N.D. Ohio), at http://www.ohnd.uscourts.gov/Clerk_s_Office/Notable_Cases/index.html (last visited Nov. 10, 2003)
- In re* Latex Gloves Products Liability Litigation, MDL No. 1148 (E.D. Pa.), at <http://www.paed.uscourts.gov/usmdl.asp> (last visited Nov. 10, 2003)
- In re* Lorazepam & Clorazepate Antitrust Litigation, MDL No. 1290 (D.D.C.), at <http://www.dcd.uscourts.gov/district-court.html> (last visited Nov. 10, 2003)
- In re* Merrill Lynch & Co., Inc., Research Reports Securities Litigation, MDL No. 1484 (S.D.N.Y.), at <http://www.nysd.uscourts.gov/ConsolidatedCases.htm#15a> (last visited Dec. 2, 2003)
- In re* Microsoft Corp. Antitrust Litigation, MDL No. 1332 (D. Md.), at <http://www.mdd.uscourts.gov/Opinions152/DisplayMDLCom.asp> (last visited Nov. 10, 2003)
- In re* Norplant Contraceptive Products Liability Litigation, MDL No. 1038 (E.D. Tex.), at <http://www.txed.uscourts.gov/tableofc.htm> (last visited Nov. 10, 2003)
- In re* Phenylpropanolamine (PPA) Products Liability Litigation, MDL No. 1407 (W.D. Wash.), at <http://www.wawd.uscourts.gov/wawd/mdl.nsf/main/page> (last visited Nov. 10, 2003)
- In re* Propulsid Prod. Liability Litigation, MDL No. 1355 (E.D. La.), at <http://propulsid.laed.uscourts.gov> (last visited Nov. 10, 2003)

- In re* Rezulin Products Liability Litigation, MDL No. 1348 (S.D.N.Y.), at <http://www.nysd.uscourts.gov/rezulin.htm> (last visited Nov. 10, 2003)
- In re* Serzone Products Liability Litigation, MDL No. 1477 (S.D. W. Va.), at <http://www.wvsc.uscourts.gov/serzone/> (last visited Nov. 10, 2003)
- In re* Silicone Gel Breast Implant Products Liability Litigation, MDL No. 926 (N.D. Ala.), at <http://www.fjc.gov/BREIMLIT/mdl926.htm> (last visited Nov. 10, 2003)
- In re* Simon II Litigation (E.D.N.Y.), at http://www.nyed.uscourts.gov/Decisions_of_Interest/DOI_Archive/DOI_2002/doi_2002.html (last visited Nov. 10, 2003)
- In re* St. Jude Med., Inc. Silzone Heart Valves Products Liability Litigation, MDL No. 01-1396 (D. Minn.), at http://www.mnd.uscourts.gov/Tunheim_Mdl/index.htm (last visited Nov. 10, 2003)
- In re* Vitamins Antitrust, MDL No. 1285 (D.D.C.), at <http://www.dcd.uscourts.gov/99ms197-2003.html> (last visited Dec. 2, 2003)
- In re* Wireless Telephone Radio Frequency Emissions Products Liability Litigation, MDL No. 1421 (D. Md.), at <http://www.mdd.uscourts.gov/Opinions152/DisplayMDLCom.asp> (last visited Nov. 10, 2003)
- In re* World Trade Center Disaster Site Litigation, (S.D.N.Y.), at <http://www.nysd.uscourts.gov/Sept11Litigation.htm> (last visited Nov. 10, 2003)